



1761
Bh

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph H. Hotchkiss et al.

Title: CARBON DIOXIDE AS AN AID IN PASTEURIZATION

Docket No.: 1153.011US1

Serial No.: 09/912,270

Filed: July 24, 2001

Due Date: August 28, 2004

Examiner: Anthony J. Weier

Group Art Unit: 1761

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

☒ A return postcard.

☒ Response To Restriction Requirement (2 Pages).

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

Customer Number 21186

By: Katharine A. Jackson Huebsch
Atty: Katharine A. Jackson Huebsch
Reg. No. 47,670

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 24th day of August, 2004.

Dawn M. Poole
Name

Dawn M. Poole
Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

(GENERAL)



S/N 09/912,270

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Joseph H. Hotchkiss *et al.*

Examiner: Anthony J. Weier

Serial No.: 09/912,270

Group Art Unit: 1761

Filed: July 24, 2001

Docket: 1153.011US1

Title: CARBON DIOXIDE AS AN AID IN PASTEURIZATION

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is in response to the Restriction Requirement mailed July 28, 2004.

In the Restriction Requirement, the Examiner required that Applicants elect one of the following inventions:

Group I, Claims 1, 2, and 12-20, drawn to a process to inhibit or reduce the growth of bacteria and other pathogens in a liquid, classified in class 426, subclass 474; or

Group II, Claim 21, drawn to a liquid product with inhibited or reduced growth of bacteria or other pathogens, classified in class 426, subclass 580.

Applicants provisionally elect the claims of Group I (claims 1, 2 and 12-20) with traverse. The Restriction Requirement is traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions. M.P.E.P. § 803. It is respectfully submitted that the search and examination of the claims can be made without serious burden on the Office. Thus, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

Applicants understand that the subject matter of the non-elected claims reading thereon may be pursued in a divisional patent application that shall enjoy all rights and benefits of 35 U.S.C. § 121.

Conclusion

Applicants respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 371-2106 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

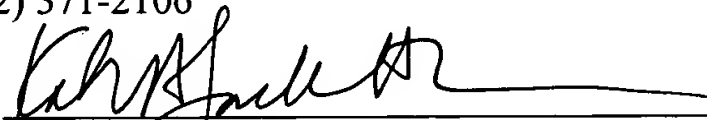
JOSEPH H. HOTCHKISS *ET AL.*,

By their Representatives,

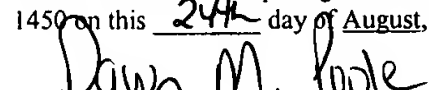
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 371-2106

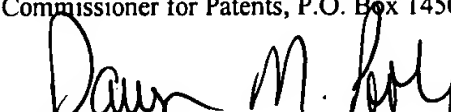
Date 24 August 2004

By


Katharine Jackson Huebsch
Reg. No. 47,670

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24th day of August, 2004.


Name


Signature